

MICHIGAN SUPREME COURT



Office of Public Information

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PLEA DISCUSSIONS WOULD BE IN OPEN COURT, ON RECORD UNDER PROPOSAL ON MICHIGAN SUPREME COURT PUBLIC HEARING AGENDA TOMORROW; PUBLIC ADMINISTRATIVE CONFERENCE TO FOLLOW

LANSING, MI, January 26, 2010 – Discussions regarding plea agreements in criminal cases would take place in open court and on the record, under a proposed rule that the Michigan Supreme Court will consider during its public administrative hearing tomorrow, which will be followed by the Court's public administrative conference.

Both events will take place in the Court's courtroom on the 6th floor of the Michigan Hall of Justice at 925 West Ottawa Street in Lansing. The public hearing will begin at 9:30 a.m. and adjourn no later than 11:30 a.m.; the administrative conference will follow after a brief break.

The plea discussion proposal ([ADM 2009-11](#)) would amend Michigan Court Rule 6.302, "Pleas of Guilty and Nolo Contendere." According to the staff comment in the proposal, the goal of the suggested change is "to reduce the possibility that a defendant would be coerced into agreeing to a particular sentence."

Also on the Supreme Court's agenda is a proposal ([ADM 2005-13](#)) to require Michigan state courts to adopt plans to collect court fines, fees, and other court-imposed financial sanctions. Courts collect restitution for crime victims, and court financial sanctions also support libraries, law enforcement, and local governments. The proposed collections program covers such issues as collection program goals, installment plans and options for those who cannot afford to pay.

These and other proposed or recently-adopted rules may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

The Court regularly holds hearings as part of its public comment process for proposed court rules and other administrative matters, and invites members of the public to share their views on agenda items. Those wishing to speak at tomorrow's hearing should contact the Clerk of the Court at MSC_clerk@courts.mi.gov and should refer to the ADM file number for the items on which they wish to address the Court. Speakers will have three minutes each to present their views and may be asked questions by the justices.

Other items on the public hearing agenda:

- [ADM 2008-09](#), proposed by the Michigan Judges Association, "is intended to clarify and simplify the procedures courts use to grant judgments in domestic relations cases,"

according to a staff comment that accompanies the proposal. The proposal would amend MCR 3.210 and 3.211.

- [ADM 2008-21](#) would amend MCR 3.932, which governs summary initial proceedings in juvenile cases. One version of the rule change, Alternative A, would eliminate current provisions that allow courts to place some juvenile cases on the consent calendar, meaning that there are no formal charges or judgment against the juvenile if he or she completes a court-ordered case plan. Alternative B would retain the consent provisions, but would require the prosecution to agree before a case could be placed on the consent calendar. Under Alternative B, juveniles accused of an assaultive crime, as defined in the Juvenile Diversion Act, would not be eligible for the consent calendar.
- [ADM 2008-38](#) would amend MCR 6.201, which governs discovery – the legal information-gathering process – in criminal cases. The proposal would add a requirement that prosecutors turn over to defense counsel “any electronic recording evidence made by any governmental agency or agent pertaining to the case known to the prosecuting attorney.” The proposed change would also require prosecutors to preserve electronic recording evidence “until after all appeals have been exhausted or all rights of appeal have expired, whichever date is later.” The proposal adds, “Failure to preserve such evidence will entitle the accused to a jury instruction that such evidence not produced may be presumed by jurors to have been adverse to the prosecution.”
- [ADM 2008-39](#), proposed by the State Bar of Michigan, would amend MCR 6.425 and 6.610 to require courts in criminal cases to provide presentence reports to the prosecution and defense at least two business days before the sentencing. If the presentence report is not provided at least two days in advance, the defendant or defense counsel would be entitled to an adjournment to review the report and make any necessary changes. The proposed amendments also provide that “[t]he presentence report shall not include the following information about any victim or witness: home address, home telephone number, work address, or work telephone number, unless an address is used to identify the place of the crime.”
- [ADM 2008-43](#) would amend juvenile court rules to incorporate provisions of the federal Indian Child Welfare Act. The changes were offered by the Indian Child Welfare Act Committee, which includes members of Michigan’s 12 federally-recognized tribes and representatives of the State Court Administrative Office’s Child Welfare Services Division.
- [ADM 2009-07](#) would create a “prison mailbox rule” for prisoners representing themselves in criminal and administrative appeals. Under the proposed rule, a prisoner’s claim of appeal or application for leave to appeal would be deemed filed when the prisoner places the legal documents in the prison’s outgoing mail. The proposed rule would apply to appeals from administrative agencies, appeals from circuit court, and appeals from Court of Appeals decisions.
- [ADM 2009-14](#) would amend MCR 7.101 and 7.105 to impose a 50-page limit on briefs filed in circuit court in appeals from district court decisions or decisions by state administrative agencies, boards, or commissions. This page limitation is similar to that for briefs filed in the Michigan Court of Appeals.
- [ADM 2009-26](#), proposed by the Probate and Estate Planning Council of the State Bar of Michigan and the Michigan Probate Judges Association, is aimed at conforming various Michigan court rules to the recently-enacted Michigan Trust Code.

The Court's public administrative conference agenda includes all items on the public hearing agenda. Also on the conference agenda:

- ADM 2010-01. Whether to appoint Hon. Richard E. Vollbach, Jr., as chief judge of the Arenac County Probate Court.
- ADM 2006-38. Whether to publish for comment proposed rule changes governing attorney discipline proceedings.
- ADM 2009-25. Whether to publish for comment a proposed change to MCR 8.120(D)(1) that would allow a law student or recent law graduate to appear on behalf of an indigent person in the Court of Appeals and the Supreme Court.

Public administrative conferences agendas may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/AdminConf.htm>.

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